

REMARKS

In response to the Restriction Requirement mailed on June 4, 2004, Applicants elect GROUP II, drawn to DNA sequences encoding proteins having the activity of improving environmental stresses, vectors, plants and methods for using said DNA sequences. In response to the Examiner's requirement that a nucleic acid and protein sequence be elected (page 2, lines 14-15, of the Restriction Requirement), Applicants elect the nucleic acid sequence shown in SEQ ID NO. 39 and its encoded protein shown in SEQ ID NO. 40. Amendment has been made to the elected claims to limit the subject matter to the elected sequences, and for no other purpose. No new matter has been added.

This election is made with traverse for the following reasons.

In the Office Action, the Examiner states "In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted." (page 2, lines 4-5) In other words, Applicants are requested to elect one of the allegedly four inventions in the Office Action. The Examiner also states "For Group II, Applicant is also required to elect one nucleic acid sequence and its encoded protein from SEQ ID NO: 1-64" (page 2, lines 14-15, underline added). However, it is not possible to satisfy both of the Examiner's requirements at the same time, *i.e.*, (1) to elect one of the groups, AND (2) to elect one nucleic acid sequence and its encoded protein from SEQ ID NO: 1-64, as the elected protein (SEQ ID NO:40) is recited in Claims 105 and 106 of Group III.

As stated above, Applicants would like to elect GROUP II and the nucleic acid sequence shown in SEQ ID NO. 39 and its encoded protein shown in SEQ ID NO.40. It is respectfully requested that the Examiner reconsider the grouping in the restriction requirement and examine claims that relate to the elected protein.

Application No. 10/031,331
Applicants: Akioy YAMADA *et al.*

Early and favorable consideration of the application on the merits is respectfully requested.

Respectfully submitted,

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